

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JAMES SMITH,

Petitioner,

v.

CIVIL ACTION NO. 2:15-cv-10749

DISMAS CHARITIES, et al.,

Respondents.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court are Petitioner's letter-form petition for a writ of habeas corpus (the "Letter-Form Petition"),<sup>1</sup> (ECF No. 1), and Petitioner's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (the "Petition"), (ECF No. 5). By Standing Order filed in this case on July 16, 2015, this action was referred to United States Magistrate Judge Dwane L. Tinsley for total pretrial management and submission of proposed findings of fact and recommendations for disposition. (ECF No. 2.) On April 8, 2016, Magistrate Judge Tinsley filed amended proposed findings of fact and recommendations for disposition ("PF&R"), in which he recommends that the Court deny as moot the Letter-Form Petition and Ground Two of the Petition, deny without prejudice Grounds One, Three, and Four of the Petition, and dismiss this case. (ECF No. 15 at 9.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file

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<sup>1</sup> Petitioner styled the Letter-Form Petition as a "motion for relief of [i]llegal confinement." (ECF No. 1.)

timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to the PF&R in this case were due by April 25, 2016. (*See* ECF No. 15 at 9.) To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 15), **DENIES AS MOOT** the Letter-Form Petition, (ECF No. 1), and Ground Two of the Petition, (*see* ECF No. 5 at 7), **DENIES WITHOUT PREJUDICE** Grounds One, Three, and Four of the Petition, (*see id.* at 6–8), **DISMISSES** this case, and **DIRECTS** the Clerk to remove this matter from the Court's docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented party.

ENTER: May 12, 2016



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE